

REMARKS/ARGUMENTS

Applicant submits this amendment in response to the Office Action mailed April 11, 2006. A petition for a two-month extension of the term for response to said Office Action, to and including September 11, 2006, is transmitted herewith.

Applicant respectfully requests reconsideration and allowance of claims 1-20 that are pending in the present application. Claim 21 has been cancelled.

Claims 1-20 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner contends that the amended limitations "the liquid escaping through said first outlet and said second outlet simultaneously creates a first whirling flow pattern and a second whirling flow pattern" in lines 10-12 of claim 1 and "said water escapes through said plurality of outlets and simultaneously creates a plurality of whirling flow patterns" in lines 16-18 of claim 14, with emphasis added to the word "simultaneously," are not presented in the original specification, and are considered as new matter. (Office Action at page 2).

However, the application specifically states "[t]his arrangement preferably ensures that the first and the second whirling flow patterns are created." (Appl. at pg. 11, para. 0050; underlining added). The number of adjustable jets 34 may be disposed "in any manner or

orientation to ensure that the first and second whirling fluid flow patterns are created." (Id.) It does not indicate that the first or second whirling flow patterns are created. "The first whirling flow pattern and the second whirling flow pattern are both a spiral motion of water in the reservoir 14." (Pg. 14, para. 0057). Furthermore, Fig. 14 clearly illustrates two simultaneous circular arrows 102, 104 to indicate the whirling flow patterns. As such, applicant respectfully requests that this rejection be withdrawn.

Claims 1-9 and 13-21 were rejected under 35 U.S.C. 102(b) as being anticipated by Kapnick (U.S. Patent 3,034,139), hereinafter referred to as "Kapnick." Kapnick relates to a portable whirlpool bath device used for hydro therapeutic treatment of certain types of physical ailments. The essential concept of the invention involves a container mounted on legs and suspending from its bottom timer-controlled motor-driven pump means connected to container inlet and outlet ports to permit use of the device for "predetermined periods of reversible cyclical water flow in the container." (Col. 2, lns. 19-24). Figs. 3 and 4 show the fluid flow whirling in the clockwise direction in Fig. 3 and separately, in the counter-clockwise direction in Fig. 4.

As previously noted, claim 1 of the present application describes a portable foot bath, wherein a jet circulates a liquid in a reservoir and the liquid escapes through a first outlet and a second outlet to simultaneously create a first whirling flow pattern and a second whirling flow pattern, respectively, from the liquid

in the reservoir. As noted above, "the first whirling flow pattern and the second whirling flow pattern are both a spiral motion of water in the reservoir 14." (Pg. 14, para. 0057). Fig. 14 clearly illustrates two simultaneous circular arrows 102, 104 to indicate the whirling flow patterns.

Kapnick does not teach or suggest such a feature. Kapnick discloses a pair of ports 21 that "alternate as inlet and outlet ports as determined by the constantly timed reversing operation of the motor-driven pump means 14." (Col. 3, lns. 27-30). This is "to effect a periodic reversing cyclical flow of water in the interior of the container 11." (Figs. 3 and 4; col. 4, lns. 11-13). "[T]he end result to be accomplished by this invention is to achieve a portable hydrotherapeutic device which will, by alternately changing the direction of flow of water under pressure in the tank, in a timed relationship, cause effective treatment of the parts of the human body disposed in the tank interior." (Col. 4, lns. 14-20). As Kapnick does not provide for a foot bath device to simultaneously create a first whirling flow pattern and a second whirling flow pattern, applicant respectfully requests that the rejection as to claim 1 be withdrawn.

The rejection should also be withdrawn as to claims 2-9 and 13, inasmuch as each of these claims depends, directly or indirectly, from claim 1.

Claim 14 describes a foot bath wherein water escapes through a plurality of outlets and simultaneously creates a plurality of whirling flow patterns in a substantially

circular shaped reservoir when a plurality of adjustable jets circulate the water in the reservoir. As noted above, "the first whirling flow pattern and the second whirling flow pattern are both a spiral motion of water in the reservoir 14." (Pg. 14, para. 0057). Fig. 14 clearly illustrates two simultaneous circular arrows 102, 104 to indicate the whirling flow patterns.

Kapnick does not teach or suggest such a feature. As previously noted, Kapnick discloses a pair of ports 21 that "alternate as inlet and outlet ports as determined by the constantly timed reversing operation of the motor-driven pump means 14." (Col. 3, lns. 27-30). This is "to effect a periodic reversing cyclical flow of water in the interior of the container 11." (Col. 4, lns. 11-13). "[T]he end result to be accomplished by this invention is to achieve a portable hydrotherapeutic device which will, by alternately changing the direction of flow of water under pressure in the tank, in a timed relationship, cause effective treatment of the parts of the human body disposed in the tank interior." (Col. 4, lns. 14-20). As Kapnick does not provide for a foot bath device wherein water escapes through a plurality of outlets and simultaneously creates a plurality of whirling flow patterns in a substantially circular shaped reservoir, applicant respectfully requests that the rejection as to claim 14 be withdrawn.

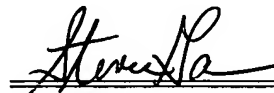
The rejection should also be withdrawn as to claims 15-20, inasmuch as each of these claims depends, directly or indirectly, from claim 1. By the present application, applicant hereby cancels claim 21.

Claims 10-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kapnick in view of Maxwell (U.S. Patent 6,309,366.) As previously noted, Kapnick does not teach or suggest a foot bath device to simultaneously create a first whirling flow pattern and a second whirling flow pattern as in claim 1, which is incorporated by dependency in claims 10-12. Maxwell has not been asserted as teaching anything that would remedy this deficiency in Kapnick. As such, for the reasons stated above, Kapnick and Maxwell do not teach all the elements of claims 10-12 and applicant respectfully requests that this rejection be withdrawn.

In view of the foregoing, applicant respectfully submits that all claims present in this application are patentable over the prior art. Accordingly, applicant respectfully requests favorable reconsideration and withdrawal of the rejections of the claims. Also, applicant respectfully requests that this application be passed to allowance.

Respectfully submitted,

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